2019 VULNERABLE ADULT ABUSE CONFERENCE

Friday, September 6, 2019
Rio Salado College Conference Center
M & M Room
Tempe, Arizona



VULNERABLE ADULT ABUSE 101

Presented by:

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Distributed by:

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Vulnerable Adult Abuse 101 Presented by: Hilary Weinberg, Bureau Chief Family Violence West Maricopa County Attorney's Office Jim Seeger, Asst. Bureau Chief Family Violence West Maricopa County Attorney's Office

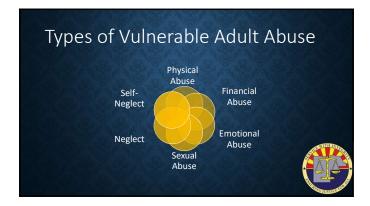


Vulnerable Adult Abuse

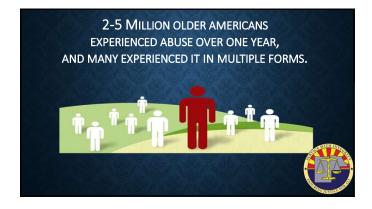
- What is it?
- How many people are affected by it?
- What does it look like?
- What should you do if you think you see it?

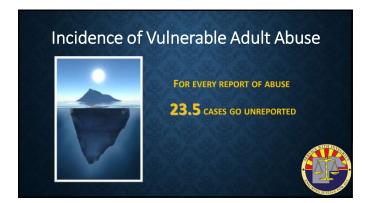






Some Numbers
• In Arizona, by 2020, 1 in 4 Arizonans will be over the age of 65
65% of the Nation's Wealth is owned by seniors over the age of 65
Almost 50% of those over the age of 85 will suffer from some form of dementia
Financial Exploitation of the Elderly is the 2nd most common crime in the US







Signs & Symptoms: Physical Abuse

- Reports of being hit, slapped, kicked, or assaulted
- Bruises, black eyes, welts, lacerations, and rope marks
- Broken eyeglasses/frames
- Bone fractures, broken bones (hips and pelvis), and skull fractures
- Open wounds, cuts, punctures, burns, and other injuries in various stages of healing

Bruising Study

- 2002 study by Irving College of Medicine
- 101 people over 65 and older avg 85
- Examined head to toe for 2 weeks
- 90% of bruises were on extremities
- NOT 1 accidental bruise on neck, ears, genitals, buttocks or soles of feet
- Most common color 1st day Red/Purple
- Some new bruises were yellow....



Senile Purpura vs. Bruise

The skin develops a purplish or reddish brown appearance due to bleeding of small blood vessels underneath.





Deliberate Bruising - Study

- Orange County APS helped researchers
- 67 people 65 and older confirmed abuse
- Significantly larger bruises- 2 inches +
- 91% knew what caused the bruise, compared to non-abused group, only 28.6% knew the cause
- Bruises on head, neck, face, ears, feet and back torso
- Noted significant bruising on right arm

Indicators of Neglect

- Multiple/severe bruises/Black Eyes
- Restrained, tied to bed
- Poor hygiene/Soiled clothes & Bedding
- Broken Glasses/frames
- Poor Skin Condition
- Untreated Injuries
- Burns
- Dehydration
- Overmedicating
- Bed Sores
- Rapid Weight loss without illness





Financial Exploitation

- Exploitation of property, resources, and assets
 - Denying access
 - Stealing, hiding
 - Purposeful mismanagement, deception
 - · Fraud, extortion, forging
 - Improper use of legal document
 - · Identity theft





Sources of Information

Victim
Family
Caregivers
Financial Services Providers
Prior Proceedings



Dealing with Diminished Capacity

- •Multiple Shorter Interviews
- Times of Day
- Medical Records
- Evidence Based



Hurdles to Cooperation

- Financial Support
- Attachment to Abuser
- Fear of Displacement
- Embarrassment



	A.R.S. §13-3623 - Child or Vulnerable Adult Abuse	
	 "Vulnerable Adult" means an individual 18 years of age or older and 	
	who is unable to protect him/herself from abuse, neglect or exploitation by others because of a mental or physical impairment.	
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	A.R.S. §13-3623(A) – Vulnerable Adult Abuse	
	Under circumstances <u>likely</u> to cause serious physical injury or death,	
	 Person causes a vulnerable adult to suffer injury; OR Having <u>care and custody</u> of a vulnerable adult (VA), 	
	a) causes or permits the person or health to be injured, OR b) Causes or permits VA to be placed in a situation where person or health is	
	endangered	
	A.R.S. §13-3623(B) – Vulnerable Adult Abuse	
	Under circumstances <u>other than those likely</u> to cause serious physical injury or death,	
	 Person causes a vulnerable adult to suffer injury; OR Having <u>care and custody</u> of a vulnerable adult (VA), 	
	a) causes or permits the person or health to be injured, OR b) Causes or permits VA to be placed in a situation where person or health is endangered	

A.R.S. §13-3623(D) - Emotional Abuse of VA

- 1. Having <u>care and custody</u> of a vulnerable adult;
- Intentionally or knowingly subjects or permits the VA to be subjected to emotional abuse

Emotional Abuse = A pattern of:
1. Ridiculing or demeaning
2. Making derogatory remarks
3. Verbally harassing

- Threatening to inflict physical or emotional harm 13-3623 (F)(3)



"CARE AND CUSTODY"

According to Webster:

Care = "charge, supervision, management, responsibility for or attention to safety and well-being." $\label{eq:care}$ Custody = "protection, care, maintenance...."

• According to Ariz. Supreme Court:

"[B]oth 'custody' and 'care', as they relate to 13-3623, imply accepting responsibility for a [VA] in some manner."

State v. Jones, 188 Ariz. 388 at 392 (1997)



PENALTIES

3623(A) – Circumstances likely: Intentional/knowing = Class 2 felony Reckless = Class 3 felony Negligent = Class 4 felony

3623(D) – Emotional: Class 6 felony

3623(B) – Circumstances other than those likely:

Intentional/knowing = Class 4 felony Reckless = Class 5 felony Negligent = Class 6 felony

13-902(E) - Probation: May be up to lifetime probation



Charging Reminder

A.R.S. 46-457(C) - A copy of the complaint or indictment shall be submitted to the Attorney General within 30 days after arraignment if a VA is the victim of:

- Vulnerable Adult Abuse Homicide Endangerment Assault

- Aggravated Assault
 Unlawful Imprisonment
- Kidnapping
- Public Sexual Indecency
- Sexual Abuse
- Sexual Assault

- Forgery
 Fraud Schemes



Sentencing/Disposition

1. Court shall endorse the Attorney General on sentencing minute entry or dismissal/judgment of acquittal.



Adult Protective Services

APS can:

- 1. Receive reports of abuse, neglect and exploitation of VA
- 2. Evaluate the need for protective services and offer services based on need, availability and acceptance
- 3. Refer for guardianship or conservatorship
- 4. Obtain medical, financial, and psychiatric records upon written request, subject to redaction



Adult Protective Services

APS cannot:

- 1. Remove an adult from a home against the adult's wishes
- 2. Prevent a capacitated adult from using financial resources as s/he wishes
- 3. Serve as guardian or conservator, or manage finances
- 4. Make a determination of capacity; court decision
- 5. Provide opinion regarding safe discharge from any type of care facility
- 6. Be a first responder
- 7. Interfere in a capacitated adult's lifestyle
- 8. Require the adult to accept services, including from APS



Multi-Disciplinary Team Approach

- Law Enforcement
- Prosecution (County and AG)
- •APS



Resources

- Vulnerable Adult Abuse and Exploitation Protocol
- Adult Protective Services (APS)-Adult Abuse Hotline: (877) SOS-ADULT [(877) 767-2385]
 TDD: (877) 815-8390

www.azues.gov/reportauuitabuse

• Area Agency on Aging - 24-hour Senior HELPLINE: (602) 264-HELP [(602) 264-4357]



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